



**July 12, 2011 Updated/Amended

BRIEFING: JULY 2011 BOARD MEETING AGENDA
ITEM #5

TO: Chairman Umberg and Committee Members

FROM: Jeff Abercrombie, Central Valley Area Program Manager
Dan Leavitt, Deputy Director

DATE: July 6, 2011

RE: Presentation on Merced-Fresno and Fresno-Bakersfield Draft
Environmental Impact Report/Environmental Impact Statements

Background

In February 2009, the Authority began preparing the design, engineering and environmental work required for the future construction and operation of the Merced to Fresno and Fresno to Bakersfield high-speed train projects. Since then, Authority and consultant staff have conducted public scoping; identified and evaluated potential alignment alternatives; prepared Preliminary and Supplemental Alternative Analysis reports; held agency, stakeholder and public meetings; and developed engineering and design plans to a 15% design level.

Earlier this year, the US Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (USACE) concurred in the purpose and need for Merced-Fresno and Fresno-Bakersfield. Within the last month, USEPA and USACE have generally concurred with the range of alternatives for Merced-Fresno and Fresno-Bakersfield as well, but have raised a few issues that require additional effort:

- For the Merced to Fresno section, both agencies recommend that the Authority and FRA carry forward for detailed study a SR 152 east/west alignment and Wye. The agencies are cognizant of the time constraints for the Merced to Fresno Draft EIR/EIS, and agree that the SR 152 could be studied in detail in the San Jose to Merced EIR/EIS, along with the Avenue 21 and Avenue 24 east/west alignments, and that the decision about the Wye and east/west connection could be made as a part of the San Jose/Merced EIR/EIS process. Authority staff agrees with the USACE and USEPA that a SR 152 east/west alignment with corresponding Wyes merits study, and believe that the decision about the Wye and the east/west connection should be made as part of the San Jose to Merced EIR/EIS process. An SR 152

alternative has been developed over the last month and is the subject of Agenda Item # 6.

- Both USEPA and USACE recommend that the “Western Madera alignment” be studied in detail for the Merced to Fresno section, and the “West of Hanford” alignment be studied in detail for the Fresno to Bakersfield section in the Draft EIR/EIS documents. Authority staff does not agree that these are reasonable alternatives that merit detailed study in the Draft EIR/EIS documents. Staff proposes to provide additional documentation to better demonstrate to the USEPA and USACE that these are not reasonable alternatives.

Please see the attached staff memo titled, “Update on Status of Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs; Input from Regulatory Agencies on Range of Alternatives; Adjustment to Decision Making for Merced-Fresno” which provides more detailed information, analyses and recommendations for moving forward with the Central Valley EIR/EIS documents based upon input received from the USEPA and USACE.

Details for the release of the EIR/EISs

The Authority is now ready to release two environmental documents for review and comment:

- The Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Merced to Fresno Section High-Speed Train Project, and
- The Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield Section High-Speed Train Project.

This memorandum summarizes the procedures and anticipated schedule for the Merced to Fresno and Fresno to Bakersfield Draft EIR/EISs. The Merced to Fresno and Fresno to Bakersfield sections have separate EIR/EISs; however, because the initial construction section includes portions of both sections, the two Draft EIR/EISs are being circulated for public comment at the same time. Table 1 on page 5 summarizes the activities, anticipated dates, and other information from releasing the Draft EIR/EISs for public comment, to the conclusion of the environmental review process under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA).

The Merced to Fresno and Fresno to Bakersfield Draft EIR/EISs will be available for public/agency review and comment no later than August 12, 2011, for a 45-day public review period that will extend to 5:00 pm on September 28, 2011. Once released, the EIR/EISs will be:

- Posted on the Authority’s and Federal Railroad Administration’s (FRAs) websites;
- Available to review at the Authority’s office in hard copy or on compact disk (CD), and available for the public to request a copy in CD format ;
- Available to review hard copies at public libraries, community centers, and other high-traffic public buildings in the Merced to Fresno and Fresno to Bakersfield areas; and

- Mailed in CD format to elected officials, public agencies, and members of the public that request a copy.

As with previous Authority practice, most of the copies distributed will consist of sending a CD, since a limited number of paper copies will be printed.

The Merced to Fresno and Fresno to Bakersfield Draft EIR/EISs will present the alignment, station, and heavy maintenance facility (HMF) alternatives, but will not recommend a preferred alternative. The comments received on each Draft EIR/EIS will be used in preparing the Final EIRs/EISs, evaluating the alternatives, and staff recommending a preferred alternative to the Board for inclusion in the Final EIR/EISs.

Public Notification

With release of the two Draft EIR/EISs, the Authority will notify individuals, property owners, community groups and public agencies through various methods:

- Publication in newspapers of general circulation in the Merced-Fresno and Fresno-Bakersfield project areas;
- Posting in the offices of the county clerks for each county in which the project will be located;
- Mailing/e-mailing to all organizations and individuals who have previously requested notice of the Draft EIR/EISs;
- Mailing to all property owners located within or contiguous to the project footprint or within 300 feet of the edge of the project footprint (alignments, stations, HMFs);
- Mailing to all individuals and organizations that have previously participated in Merced-Fresno and Fresno-Bakersfield meetings (and have provided contact information);
- News releases, website notices, email notifications and the posting of flyers within each community;
- Notification efforts will also occur with elected officials, local government staff, to Native American Tribes and their representatives, businesses, and non-profit and community-based organizations.

Public Hearings and Workshops

Per FRA regulations, after 30 days of the 45-day review period, public hearings will be held in Merced, Madera, Fresno, Hanford, and Bakersfield to hear directly from individuals, organizations and local agencies. The public hearings are scheduled to convene between September 14 and 28, 2011, and will be held from 3pm to 8pm. The public hearings start with an open house with display boards and project personnel to answer questions, and an area where attendees can complete comment forms, make verbal comments to a court reporter, and/or input comments directly into the Authority website. The open house will be followed by a formal public hearing proceeding where attendees can make verbal comments in front of an audience and a court reporter captures those comments.

Public meetings will be held in Le Grand, Chowchilla, Fairmead, South Fresno, Shafter/Wasco, Rosedale, and Corcoran between August 14 and September 21, 2011. The public meetings will use an open house format with display boards, staff to answer questions, and an area where attendees can complete comment forms, make verbal comments to a court reporter, and/or input comments directly into the website. The public meetings differ from the public hearings as the focus will be to inform the attendees how to comment on the Draft EIR/EIS and because there will not be an opportunity for attendees to make verbal comments in front of an audience.

Comments can be submitted by letter, email, at public hearings and meetings, or via the Authority's website. The Authority and FRA will respond to comments received during the public comment period and include responses to comments in the Merced to Fresno and Fresno to Bakersfield Final EIR/EISs.

Authority and FRA staff will develop a recommendation for a preferred alternative for the Merced to Fresno and Fresno to Bakersfield sections in cooperation with the USACE and USEPA to ensure it is the least environmentally damaging practicable alternative (LEDPA) for Section 404 permitting and in compliance with the Memorandum of Understanding between the Authority, FRA, USEPA and USACE.

Consistent with prior practice, the Authority Board will consider the staff recommendations on the preferred alternative for the Merced to Fresno and Fresno to Bakersfield sections at a public Board meeting and will direct staff regarding designation of the preferred alternatives in the Final EIR/EISs.

Following issuance of the Final EIR/EISs, the Authority Board will consider certifying the Merced to Fresno and Fresno to Bakersfield Final EIR/EISs for their compliance with CEQA. Once the Board certifies the Final EIR/EISs, it will consider whether to approve the two high-speed train projects and adopt related CEQA requirements (findings, mitigation plan, statement of overriding considerations). At the conclusion of this process, the Authority would then file Notices of Determination with the State Clearinghouse in the Governor's Office of Planning and Research.

The FRA is the agency responsible for authorizing federal involvement for the project and is the NEPA lead agency for the Merced to Fresno and Fresno to Bakersfield Final EISs. The USACE is a federal cooperating agency under NEPA. The FRA will consider all comments and responses in preparing the Merced to Fresno and Fresno to Bakersfield Final EISs and in issuing NEPA Records of Decision.

Recommendation

Approve Resolution # HSRA 11-19 (see attachment)

Attachments:

- ✓ Update on Status of Merced-Fresno and Fresno-Bakersfield Draft EIR/EISs; Input from Regulatory Agencies on Range of Alternatives; Adjustment to Decision Making for Merced-Fresno
- ✓ Concurrence Letters from USEPA and USACE
- ✓ Draft Resolution # HSRA 11-19

Table 1
Merced to Fresno and Fresno to Bakersfield EIR/EIS Activities and Schedule

Activity	Anticipated Date	Information
Merced to Fresno and Fresno to Bakersfield Draft EIR/EISs released for review and comment	No later than August 12, 2011	Notices of Availability published in Federal Register and Notices of Completion filed with the State Clearinghouse
45-Day Public Review Period	August 15, 2011 – September 28, 2011	Public Hearings and Public Meetings held during this period.
Public Meetings in Le Grand Chowchilla, Fairmead, South Fresno, Shafter/Wasco, Rosedale, and Corcoran	Meetings to be held between August 14 and September 21, 2011	Meeting focus will be how to respond to Draft EIR/EISs
Public Hearings in Merced, Madera, Fresno, Hanford and Bakersfield	Meetings to be held between September 14 and 28, 2011	Fresno will be a joint public hearing for Merced/Fresno and Fresno/Bakersfield
Staff review, evaluate, respond to comments	August to November 2011	
Authority Board meeting to identify preferred alternatives for Final EIR/EISs	December 1, 2011 (potential second day-Dec. 2, 2011)	Special Board meeting held in Fresno; <i>may need two days</i>
Finalize MF and FB EIR/EIS and compile response to comments	Until January 2012	
MF and FB Final EIRs/EISs released	January 2012	
Authority Board meeting to consider certifying Final EIR/EISs, and making final decisions	February 29, 2012 – March 1, 2012	Special <i>two-day</i> Authority Board meeting held in Fresno
FRA issues Records of Decision	Spring 2012	A minimum of 30 days after the release of Final EIR/EISs